

# PROCEEDINGS OF THE CITY PLANNING COMMISSION

March 17, 2017

## Regular Meeting

A regular meeting of the City Planning Commission was held this day at 9 A.M. in the J. Martin Griesel Room of Two Centennial Plaza with the following members present: Chair Daniel DrieHaus, City Manager Harry Black, Dr. Rainer vom Hofe, Ms. Anne Sesler, Councilmember Amy Murray, and Mr. Byron Stallworth.

Also in attendance were Mr. Marion Haynes, legal counsel, and Department of City Planning staff: Mr. Charles C. Graves III, Ms. Stacey Hoffman, Mr. James Weaver, and Ms. Bonnie Holman.

Mr. DrieHaus called the meeting to order and asked everyone to join in the Pledge of Allegiance.

**The Commission approved the last prior meeting's minutes (March 3, 2017).**

Ms. Murray made the motion, which Mr. Black seconded.

Aye: Mr. Black, Ms. Sesler, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, and Mr. DrieHaus.

Mr. DrieHaus stated that Mr. John Schneider had served on the Cincinnati City Planning Commission for over ten years and was invited back to be recognized for that great accomplishment. He read from a previously published article to honor Mr. Schneider, as follows:

John Schneider was one of the smartest, most well-informed people I'd ever met in my life and I realized immediately he had a different kind of brain. He was not a flashy guy but there's something about him, not charisma exactly, but a certainty about what he believes, that makes smart, caring people want him to think well of them. John Schneider has not only been at the center of the streetcar debate, but smack dab in the middle of almost every impossible, controversial mega-project undertaken in the City of Cincinnati for the last twenty years. For example, the reconfiguration of Interstate 71 and the ballot initiative to locate the Reds stadium on the riverfront. Long before "urbanist" entered the popular vernacular, John was there looking and thinking, missing nothing. So when John talked "streetcar", understand that "Mr. Streetcar" wasn't just talking about transit. That was one small part of the puzzle he'd been working on his whole life. John once stated about how big development decisions were made, "ideas rarely start with government, they come from citizens who believe in them." Thank you John Schneider, your greatest legacy lies in all of us who believed we could change our world because of your example.

Mr. Driehaus then presented Mr. Schneider with a plaque thanking him for over ten years of dedicated and loyal service to the Cincinnati City Planning Commission.

Ms. Murray said that it had been a joy to work with Mr. Schneider and that he had brought forward ideas and was known for walking around the City and doing his homework on City Planning Commission items.

Mr. Black said it had been a pleasure working with Mr. Schneider and that the City Planning Commission was one of his favorite meetings to attend.

Mr. Stallworth said that he had known Mr. Schneider since he had been at the University of Cincinnati and thanked him for all the work he had done for the City.

Mr. Schneider said that he had seen such a growth in the great City of Cincinnati and in the staff of the Department of City Planning.

#### **Consent Agenda – Quasi-Judicial**

**The Commission adopted staff's recommendations for Item 1 on the Quasi-Judicial Consent Agenda.**

Ms. Murray made the motion, which Mr. Black seconded.

Aye: Mr. Black, Ms. Sesler, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, and Mr. Driehaus.

#### **Discussion Agenda - Legislative**

Ms. Stacey Hoffman presented Item 2, A report and recommendation on a proposed zone change for properties currently zoned RM-1.2 in the area generally bounded by Myrtle Avenue on the north, Woodburn Avenue on the east, William Howard Taft Road to the south and Ashland Avenue on the west from RM-1.2 (Multi-family) to RMX (Residential Mixed) in East Walnut Hills. The Department of City Planning staff recommended approval.

Mr. John Haysbert, East Walnut Hills resident, stated that he was a past board member of the East Walnut Hills Assembly and past president of the Burdet Ashland Avenue Block Club member. He said he was a strong advocate for revitalization and worked in the past to improve the neighborhood. He said the neighborhood needed to attract businesses such as the University of Cincinnati (UC). He said he was opposed to the zone change because there was not enough information shared with the residents, however, he agreed that there was a need for parking.

Ms. H. Drewry Gores, President of the East Walnut Hills Assembly, stated that they sent out two letters to all affected property owners, outlining their request for a zoning study. The zoning

study was precipitated by the purchase of 1347-1349 Myrtle Avenue by UC Health for the purpose of demolishing the structure to build another parking lot. She said they met with UC Health and they agreed not to build a parking lot. She said that even though UC Health was a great neighbor, East Walnut Hills was not suited to one-to-one suburban parking.

Ms. Rae Vuic, East Walnut Hills resident and member of the East Walnut Hills Assembly, stated that she owned parking lots in the neighborhood. She said the historic homes in the area should be preserved and not torn down for parking lots. The RMX zoning would help enhance the neighborhood and the local business owners should not expect one-on-one suburban parking.

Ms. Christie Kuhns, Vice President of Community Relations for UC Health, stated that they had no plans to use the 1347-1349 Myrtle Avenue properties as a parking lot. They heard at the staff conference that the community was opposed to their plans and decided not to pursue the parking lot.

Mr. Chuck Futel, Burdet Ashland resident and past president of the Burdet Ashland Avenue Block Club and East Walnut Hills Assembly, stated that he worked to attract the right kind of development that would not damage the neighborhood. He said he was concerned that in the evening on Myrtle Avenue, residents cannot find places to park. He suggested that UC Health could build a two or three deck parking structure on a current lot to alleviate their parking shortage. He said he was also concerned about a neighbor's house that was next to the vacant lots. He said it was of paramount importance to retain the residential character of the neighborhood and increase property values.

Mr. Edwin Pfetzing, East Walnut Hills resident and business property owner, said he supported the zone change. He said that East Walnut hills has more parking than O'Bryonville and Hyde Park.

Mr. Tony Fisher, East Walnut Hills Assembly Board Member and owner of Woodburn Brewery, stated that he chose his business location based on the historic nature and residential character of the neighborhood. He said he opposed the destruction of historic buildings.

Mr. Driehaus commented that it seemed everyone wanted to preserve the historic nature of the neighborhood and that they already had more parking than nearby communities.

Ms. Katie Frazier, East Walnut Hills resident, said she lived near the 1347-1349 Myrtle Avenue properties, and said she preferred that they be used for residential structures. She said she favored the preservation of historic buildings.

Ms. Jessica Saunders, East Walnut Hills resident, stated that she moved to the neighborhood because of the residential feel and convenient drive into downtown. She said she was concerned

with Anthem closing and vacant houses on Taft Avenue. She supported maintaining and preserving the large historic homes.

Ms. Celeste Sheets, East Walnut Hills resident, stated that she moved there ten years ago and fell in love with her densely populated historic street. She said she supported preserving the historic residential feel of the neighborhood. East Walnut Hills was not suited to one-to-one suburban parking. She said she was concerned with empty lots and that surface parking was the least effective land use in the city.

Mr. Driehaus agreed with Ms. Sheets and said the zone change was a proactive step.

Ms. Murray thanked the community members and Ms. Kuhns for attending the City Planning Commission meeting and working together. She said it was important for residents to fight for their neighborhood and be involved.

**The Commission adopted staff's recommendations for Item 2 on the Legislative Discussion Agenda.**

Ms. Murray made the motion, which Mr. vom Hofe seconded.

Aye: Mr. Black, Ms. Sesler, Mr. vom Hofe, Ms. Murray, Mr. Stallworth, and Mr. Driehaus.

Mr. James Weaver presented Item 3, a report and recommendation on text amendments to the Cincinnati Zoning Code, specifically Schedule 1409-07: Use Regulations – Commercial Districts to require a “food market” be limited to a maximum of 2,500 square feet and be part of a mixed-use building in the Commercial Neighborhood – Pedestrian (CN-P) zoning district. The Department of City Planning staff recommended approval.

At 10:08 A.M. Mr. Black left the meeting. He returned to the meeting at 10:11 A.M.

Ms. Murray asked when the notices for the staff conference sent out and Mr. Weaver responded that they were mailed two weeks prior to the meeting. She said that she frequently heard complaints from neighborhoods that they were not notified in a timely matter. She suggested that, in addition to mailed notices, all notices should be emailed to neighborhood councils two weeks prior to staff conferences. She said she was also concerned that so few neighborhoods responded to the text amendments. Mr. Weaver said that since the Commercial Neighborhood – Pedestrian (CN-P) zoning district had been part of the Draft Land Development Code (LDC) process, many neighborhoods had already decided they were not interested in that district and were not concerned with the change.

Rev. Herschel Willis, Chair of the Community Reinvestment sub-committee, said he was concerned how the text amendments would affect the former Kroger location in Walnut Hills.

Mr. Weaver responded that that property was not in a CN-P zoning district and therefore would not be affected.

Christopher DeAngelis, of Apple Street Market in Northside, said that the text amendments could be a barrier for grocery stores locating in “food desert” locations. He said finding locations for food markets was very competitive. Mr. Weaver responded that the Apple Street Market was not in a CN-P zoning district.

Mr. vom Hofe asked about the new Clifton Market and Mr. Weaver responded that because of their size, if it had been newly constructed, it would have required a variance under the current code. Mr. vom Hofe asked if the store would have been grandfathered in since it previously was a grocery store. Mr. Weaver responded that if the store had been vacant over 365 days it would have needed a variance.

Ms. Sesler asked if staff was aware of any neighborhood concerns regarding food cooperatives. Mr. Weaver responded that some gardeners were interested in a united front but that there was no central organization for urban gardens.

Mr. Tom Gamel, member of the East Price Hill Improvement Association said that he supported the text amendments. He said it was important to have restrictions and that a 15,000 square feet business was not appropriate in the walkable CN-P district.

Mr. Tom Croft, member of the East Price Hill Improvement Association said that the text amendments were consistent with the new Land Development Code. He said he was supportive of the text amendments and that the proposed change was appropriate to the scale of the district.

Mr. vom Hofe said that having a larger grocery store would increase foot traffic to the nearby businesses. Mr. Gamel responded that nearby zoning districts could support the larger food markets. Mr. vom Hofe said that the IGA in Clifton went out of business and created a food desert. Mr. Weaver responded that Clifton Market worked in the CN-P district and would most likely have been approved for a variance. Ms. Sesler asked if the text amendments would affect the Downtown district and Mr. Weaver responded that it would not.

Mr. Driehaus said that Walgreens tried to take out several small established businesses in Pleasant Ridge to build a new store. He said one of the reasons he moved to the neighborhood was the Ridge Market.

Ms. Murray said she felt conflicted because she wanted the text amendments for the East Price Hill and other neighborhoods but wanted to be careful since this affected the entire city. She said she was worried about food deserts and the fact that many neighborhoods did not respond. Mr.

Driehaus said that the subject was not new and had been vetted in the LDC process. Mr. vom Hofe said he was not ready to move forward with the text amendments and not enough neighborhoods had responded to be confident. Ms. Murray asked if the United Dairy Farmer stores would be affected. Mr. Weaver responded that he had been in contact with them and they would not be affected at this time.

**The Commission adopted staff's recommendations for Item 3 on the Legislative Discussion Agenda.**

Mr. Stallworth made the motion, which Mr. Driehaus seconded.

Aye: Mr. Black, Ms. Sesler, Ms. Murray, Mr. Stallworth, and Mr. Driehaus.

Nay: Mr. vom Hofe.

**Director's Report**

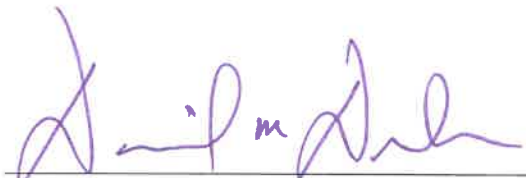
Ms. Keough-Jurs stated that the David J. Allor Planning and Zoning Workshop would be held on March 31, 2017 and invited the City Planning Commission members to attend. She also stated that Department of City Planning staff appreciated Mr. Schneider's work on the City Planning Commission and said that he always asked the tough questions but was always very supportive of the Department of City Planning. She presented Mr. Schneider with a congratulatory cake and invited all in attendance to enjoy a slice before leaving.

The meeting adjourned at 10:50 A.M.



Charles C. Graves, III, Director  
Department of City Planning

Date: 4/7/17



Daniel Driehaus, Chair  
City Planning Commission

Date: 4/7/17